

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Case No. 3:24-cv-02890-SK

ELI SILVA, on behalf of himself and all  
others similarly situated;

Plaintiff,

vs.

WHALECO, INC., d/b/a TEMU;

Defendant.

**DECLARATION OF PLAINTIFF ELI  
SILVA IN SUPPORT OF  
OPPOSITION TO DEFENDANT’S  
MOTION TO COMPEL  
ARBITRATION**

I, Eli Silva, declare as follows:

1. I am an individual over the age of 18, a resident of Dublin, California, and the named Plaintiff in this consumer class action against Whaleco, Inc. d/b/a Temu (“Temu”). I make this Declaration in support of Plaintiff’s Opposition to Defendant’s Motion to Compel Arbitration. I have personal knowledge of the facts stated in this Declaration, and if called upon as a witness, I could and would testify competently hereto.

2. On February 21, 2024, I bought two electric massager guns from Defendant online on temu.com. The two electric massager guns were advertised with an original, strikethrough price of \$15.59, and offered at a discount for \$6.29 each.

3. I believed that these products were being offered at nearly 60% of their original price, so I proceeded to add the products to my shopping cart. In the shopping cart, Temu again displayed the strikethrough pricing of the electric massager guns of \$15.59.

4. When I made this purchase, I believed that I was saving \$18.60 on both massager guns.

5. If I had known that the electric massage guns were not on sale, I would not have purchased them.

6. When I registered an account, I was not aware nor presented with Temu’s Terms

1 and Conditions.

2 7. I reviewed the Declaration of Michael Trinh in Support of Defendant's Motion to  
3 Compel Arbitration, and the screenflow provided therein. I do not recall seeing the two  
4 Registration Prompts when I created my Temu account.

5  
6 Executed on this 12 day of August 2024 in Dublin, California.

7 /s/ *Eli Silva*  
8 Eli Silva



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Title	Declaration Page for Eli Silva v. Whaleco, Inc. d/b/a Temu  ...
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